

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICHARD OTTO HANSEN,)
)
)
Plaintiff,) 4:06CV3211
)
)
v.)
)
JOHN DOE,)
)
Defendant.)

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion for Leave to Appeal In Forma Pauperis ("IFP"). (Filing No. 47.) On February 20, 2008, the court entered a Memorandum and Order notifying Plaintiff that even if he is granted leave to proceed IFP on appeal, the Prison Litigation Reform Act ("PLRA") requires him to pay the full amount of the \$455 appellate filing fee. Plaintiff was then given until February 29, 2008 to withdraw his appeal. *See* 28 U.S.C. § 1915(b); *Henderson v. Norris*, 129 F.3d 481, 483-84 (8th Cir. 1997). (Filing No. 49.)

Plaintiff has since been released from custody and is no longer a prisoner. (Filing No. 50.) Plaintiff has previously been granted leave to proceed IFP in this matter. (Filing No. 9.)

¹Fed. R. App. P. 24(a)(3) states:

(a) Leave to Proceed in Forma Pauperis

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless the district court – before or after the notice of appeal is filed – certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. In that event, the

district court must state in writing its reasons for the certification or finding.

The court finds that because Plaintiff proceeded IFP in the district court, he may now "proceed on appeal in forma pauperis without further authorization."

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Proceed IFP on Appeal (filing no. 47) is granted.
2. The Clerk of court shall send a copy of this order to the Eighth Circuit Court of Appeals, and the Clerk shall process this appeal to the Eighth Circuit.

March 18, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge